

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

COREY ABERNATHY,

Petitioner,

v.

JOHN BLEDSOE,

Respondent.

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No. 3:19-CV-404-HSM-HBG

MEMORANDUM AND ORDER

This is a pro se petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. The matter is before the Court, *sua sponte*, for consideration of transfer of this action.

Petitioner has previously filed an unsuccessful § 2254 petition seeking to challenge the same Hamilton County burglary convictions that are at issue in the instant petition. *See Abernathy v. Warden Sexton*, 1:18-CV-286-TAV-CHS (E.D. Tenn. July 25, 2019). Therefore, before Petitioner may pursue this successive action, he must obtain authorization to do so from the Court of Appeals for the Sixth Circuit. *See* 28 U.S.C. § 2244(b)(3). Because it does not appear that Petitioner has obtained such authorization, the Court will transfer Petitioner's file to the appellate court, which will construe the petition as a request for authorization under § 2244(b)(3). *See In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997).

Accordingly, the Clerk is **DIRECTED** to transfer this entire action to the United States Court of Appeals for the Sixth Circuit, pursuant to 28 U.S.C. § 1631 and *In re Sims*, 111 F.3d at 47.

SO ORDERED.

E N T E R:

/s/ *Harry S. Mattice, Jr.*
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE